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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,152	10/22/2003	Hiroyuki Uno	P/2041-68	5875
2352	7590	11/29/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			KIM, WESLEY LEO	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,152

Applicant(s)

UNO, HIROYUKI

Examiner

Wesley L. Kim

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The examiner would like to note that the corrected drawings submitted on 9/14/05 have been reviewed and are accepted by the examiner.

Specification

The examiner would like to note that the corrections made to the specifications submitted on 9/14/05 have been reviewed and are accepted by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 5, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. Patent 6882860 B1), Ishigaki (U.S. Patent 6678534), Morgenthaler (U.S. Patent 6310609), and Bories et al (U.S. Patent 6778841 B1).

Regarding Claims 1, 5, and 9, Kim teaches a portable telephone set, comprising: call termination notification means for notifying a user of said portable telephone set of termination of a telephone call (Col.2:65-Col.3:3, the display and buzzer are notification means); and Kim further teaches a key inputting means (i.e. keypad (Fig.1;115)), however Kim **is silent on** the key inputting means including a plurality of keys for accepting a key inputting operation of any of said keys by the user; key input discrimination means for

discriminating whether the key inputting operation of said key inputting means is valid or invalid; key input validity notification means operable when said key input discrimination means discriminates that the key inputting operation is valid for causing said call termination notification means to notify the user of the validity of the key inputting operation with a first pattern set in advance; and key input invalidity notification means operable when said key input discrimination means discriminates that the key inputting operation is invalid for causing said call termination notification means to notify the user of the invalidity of the key inputting operation with a second pattern set in advance and different from the first pattern.

Ishigaki teaches the key inputting means including a plurality of keys for accepting a key inputting operation of any of said keys by the user (Fig.1;5,6,7,8,11,12,13); key input discrimination means for discriminating whether the key inputting operation of said key inputting means is valid or invalid (Abstract:1-3, control section is the key input discrimination means);

Morgenthaler teaches a key input invalidity notification means (i.e. a beep) operable when said key input discrimination means discriminates that the key inputting operation is invalid for causing said call termination notification means to notify the user of the invalidity of the key inputting operation (Col.6;37-42).

Morgenthaler teaches a key input validity notification (i.e. no beep, however the desired function is performed, where the function may be a call termination) means operable when said key input discrimination means

discriminates that the key inputting operation is valid for causing said call termination notification means to notify the user of the validity of the key inputting operation (Col.6:42-45, no beep and performing the desired function is the notification of validity).

Bories teaches an operating program in memory which includes a routine to allow the user to set up one or more function settings to control the type of feedback. Using the menu function, the user is able to select one or more types of feedback to receiver for a selected input. The types of feedback comprise visual, audio, and vibratory (Col.3:30-37). From Bories teachings, one of ordinary skill in the art would have found it obvious to modify Morgenthaler such that there could be a feedback pattern for a valid notification and a different feedback patter for an invalid notification, where both are set in advance.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim in combination with Ishigaki, Morgenthaler, and Bories, such that there is a key inputting means including a plurality of keys for accepting a key inputting operation of any of said keys by the user; key input discrimination means for discriminating whether the key inputting operation of said key inputting means is valid or invalid; key input validity notification means operable when said key input discrimination means discriminates that the key inputting operation is valid for causing said call termination notification means to notify the user of the validity of the key inputting operation with a first pattern set in advance; and key input invalidity notification means operable when said key

input discrimination means discriminates that the key inputting operation is invalid for causing said call termination notification means to notify the user of the invalidity of the key inputting operation with a second pattern set in advance and different from the first pattern, since they are from the same search area, viz. alerting a mobile terminal user. The motivation for combination is to provide a method for alerting a user of pressing an incorrect key or a key, which will not perform any available function so that the user may know to press a functional key on the next try.

Regarding Claims 2 and 6, the combination as discussed above teach all the limitations as recited in claims 1 and 5, and Kim further teaches call termination notification means includes a liquid crystal display device (Col.2:62-67).

Regarding Claims 3 and 7, the combination as discussed above teach all the limitations as recited in claims 2 and 6, however the combination **is silent on** the liquid crystal display device of said call termination notification means is rendered operative when said portable telephone set is used in a mode wherein no sound is generated from said portable telephone set.

Kim teaches that an LCD display displays different call termination displays (Col.2:65-67). To one of ordinary skill in the art, it is obvious that if a phone is in a mode where no sound is generated from the portable telephone set, that other means of alerting the user must be used, i.e. vibration, or various displays via LCD display.

Regarding Claims 4 and 8, the combination as discussed above teach all the limitations as recited in claims 1 and 5, and Ishigaki further teaches comprising a memory for storing key allocation information representative of whether each of said keys is valid or invalid when a selected menu is to be processed, said key input discrimination means using the key allocation information to discriminate whether the key inputting operation is valid or invalid (Col.4:39-45).

Response to Arguments

Applicant's arguments filed 9/14/05 have been fully considered but they are not persuasive.

The applicant argues that Morgenthaler and Kim references do not suggest, teach, or disclose that the call termination notification means has the dual function of both notifying the user of the termination of a call and also notifying the user of the validity or invalidity of key input.

The examiner respectfully disagrees. The examiner would first like to note that the claim language is written broadly enough for the examiner to interpret it in a way which may not be as intended by the applicant. To the examiner, the limitation "comprising: call termination notification means..." does not limit the call notification means to just one call notification means, there could be a plurality, additionally, there is no recitation of the call termination means having the dual function of both notifying the user of the termination of a call and also notifying the user of the validity or invalidity of key input in the claim language.

To the examiner, the claim limitation stating "call termination notification means for notifying a user of said portable telephone set of termination of telephone call..." is written broadly enough for the Kim reference to read on it. The Kim reference states that a display displays different call termination display messages according to the different types of terminated calls and a buzzer generates different call termination alert tones according to the types of terminated calls (Col.2:65-Col.3:3). To the examiner displaying messages and generating buzzes for a terminated call is synonymous with "notifying user of said portable telephone set of termination of a telephone call"

Regarding the Morgenthaler reference, Morgenthaler teaches notifying a user of a invalid key press with a beep (Col.6:33-40) and Morgenthaler teaches notifying a user of a valid key press by performing the desired function which was selected by the user and illuminating the keys corresponding to the selected function (Col.6:42-52). A beep and performing the desired function, which was selected by the user, are different patterns that could be performed by a plurality of call termination means.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Pub. 2001/0016491 A1; Imura et al ; Function Limiting Method for Telephone Communication Terminal, Telephone Communication Method, Telephone Communication Terminal and Repeating Center Equipment.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK


GEORGE ENG
PRIMARY EXAMINER